



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,321	01/09/2001	Nicholas John Davies	36-1403	9348

23117 7590 12/27/2005

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,321

Applicant(s)

DAVIES ET AL.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Amendment of Application Number 09/743321 received on 19 September 2005.
2. Claims 2-19 are presented for examination.

Claim Objections

Claims 1 and 8 are objected to because of the following informalities: Claims 1 and 8 include the limitation "and for storing the generating document" which appears to include a typo. Examiner will interpret the limitation to read "and for storing the generated document" as used in a limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 103

Art Unit: 2143

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (U.S. 5,963,951).

The Applicant has not provided a clear definition for the term "meta-information" recited in the claims within the specification. Therefore, the Examiner will interpret this element by its plain meaning as if the term was interpreted by one of ordinary skill in the art. See MPEP § 2111.01. Examiner respectfully requests Applicant to indicate portions of the specification that provide the definition of this term. The term "meta" as defined by Interactive Glossary of Internet Terms, "<http://www.walthowe.com/glossary/m.html>" is as follows:

meta – A prefix meaning "information about"

3. Regarding claims 2, 8, 9, and 11, Collins discloses an apparatus and method for accessing sets of information stored in an information system by a plurality of users and accessible by means of a communications network, the apparatus comprising:

Art Unit: 2143

an input for receiving a set of information selected by a first user (Collins, col. 5, lines 10-11);

data storage for storing a plurality of user profiles, each of said plurality of user profiles associated with one of a plurality of users, and each of said plurality of user profiles comprising at least one predetermined keyword (Collins, col. 4, lines 50-52, col. 5, lines 10-15);

a document generating tool for generating a document based on the information selected by the first user, and for storing the generating document in a data store (Collins, col. 5, lines 20-30);

a meta-data generator arranged to automatically generate at least one set of meta-information from the generated document and to store said at least one set of meta-information in said data store, said at least one set of generated meta-information comprising information describing the generated document (Collins, col. 5, lines 23-27, col. 7, lines 55-67, Collins disclosed the user using an internet browser to use the online dating service, which means the service provides meta-information that is stored in a database, which means that the meta-information was generated based from the user's input data);

a comparator for comparing at least one of said one of said plurality of user profiles with said at least one set of generated meta-information and for identifying, in dependence upon the results of said comparison, a second user having a profile similar to said at least one set of generated meta-information (Collins, col. 6, lines 15-25); and

Art Unit: 2143

a processor arranged to automatically address an alert message to said first user comprising the identity of said second user identified by said comparator (Collins, col. 6, lines 59-67).

Collins disclosed presenting the meta-information to the user on the display monitor, and showed an example of the output in Fig. 7. Collins also disclosed displaying the information through internet browsers such as Internet Explorer and Netscape Navigator (Collins, col. 7, lines 55-67).

Collins did not explicitly state wherein the generated meta-information includes a link to a location of the generated document in the data store.

Examiner takes Official Notice (see MPEP § 2144.03) that "providing links on a webpage" in a networking environment was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that

Art Unit: 2143

37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight. For evidence, see Yahoo, which provides links: "<http://web.archive.org/web/19961226140957/http://www3.yahoo.com/>"

4. Regarding claims 3 and 10, Collins disclosed the limitations, substantially as claimed, as described in claims 2 and 9, including wherein said comparator is operable to compare a user profile associated with said first user with at least one further user profile of said plurality of user profiles and thereby to identify a user having a similar user profile to that of said first user (Collins, col. 6, lines 15-25, 59-67).

5. Regarding claims 5 and 13, Collins teaches the limitations, substantially as claimed, as described in claims 2 and 9, including wherein, in use, said stored sets of information conform to a first predetermined format and wherein said apparatus includes conversion means to enable a set of information received at the input in a format other than said first predetermined format to be converted into said first predetermined format and stored in said data storage (Collins, col. 5, lines 1-10, Fig. 3, Collins disclosed that after information is input by the user, it is converted into the proper format to be stored in the database).

6. Regarding claims 6, 7 and 15, Collins disclosed the limitations, substantially as claimed, as described in claims 2 and 9, including a processor

Art Unit: 2143

arranged to monitor the plurality of user profiles to detect a change to the user profile of said first user and to trigger said comparison means to compare the changed user profile with other user profiles stored in said data storage and thereby to identify a user having a similar user profile to the changed profile of said first user (Collins, col. 4, lines 60-65, col. 5, lines 10-15, Collins disclosed that a user can either use their stored profile to compare profiles or also use new search criteria along with the profile meaning that they could update their profile and a new search is performed based on the new profile).

Regarding claims 17-19, Collins disclosed the limitations, substantially as claimed, as described in claims 2, 8, and 9, including wherein the set of information selected by the first user is any type of information of any format (Collins, col. 4, lines 5-10).

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Brookes (U.S. 5,963,951).

7. Regarding claims 4 and 12, Collins disclosed the limitations, substantially as claimed, as described in claims 2 and 9, including for each similar user profile found, providing their contact information such as username and phone number (Collins, col. 8, lines 40-46).

However, Collins did not explicitly state enabling said first user to select one or more of said plurality of users and to generate an alert message for sending to said one or more selected users.

In an analogous art, Brookes teaches users being able to create a comment and send to users, which are then alerted of the presence of a message (Brookes, col. 9, lines 4-15).

Therefore it would have been obvious for one in the ordinary skill in the art at the time the invention was made to incorporate users being able to send an alert message to other users with similar interests as another form of contacting their matches to provide another way for people to communicate through on-line dating services (Collins, col. 2, lines 20-25).

8. Regarding claim 16, Collins disclosed the limitations, substantially as claimed, as described in claim 9. Collins did not explicitly state wherein when said meta-data generator generates a set of meta-information on activation by said first user, said comparator is automatically activated to compare said at least one set of meta-information with user profiles associated with each of said plurality of users, and in dependence upon the result of said comparison, to automatically address an alert message to each of said plurality of users.

In an analogous art, Brookes disclosed a system that compares information with user profiles and alerts each relevant user (Brookes, col. 7, lines 45-55). Therefore it would have been obvious for one in the ordinary skill in the art at the time the invention was made to incorporate alerting all users of interest

Art Unit: 2143

about an updated profile to notify users of the on-line dating service of any matches found with users of similar interests (Collins, col. 2, lines 20-25).

Response to Amendment

Applicant's arguments and amendments filed on 19 September 2005 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by incorporating new limitations into the independent claims, which will require further search and consideration*) to the claims which significantly affected the scope thereof.

Applicant's arguments include the failure of previously applied art to expressly disclose the teachings of "a document generating tool for generating a document based on the information selected by the first user, and for storing the generated document in a data store".

Examiner respectfully disagrees. Collins disclosed this feature as shown in Fig. 7, 114, which displays a user profile, generated by the online dating system based from a user's input.

Applicant's arguments include the failure of previously applied art to expressly disclose the teachings of a meta generator, arranged to automatically generate at least one set of meta-information from the generated document and

Art Unit: 2143

to store said at least one of said meta-information comprising information describing the generated document and a link to the location of the generated document in the data store”.

As shown in the above rejection, Collins disclosed generating a web site based from the user's input as shown in Fig. 7, 114. As also explained above, providing links to documents is a well-known feature of web sites, as shown by the yahoo reference, provided above.

Applicant's arguments with respect to claims 2-19 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Collins as well as other prior arts of records disclosed, online dating is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

Art Unit: 2143

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the

Art Unit: 2143

structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

Art Unit: 2143

PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. B. D.
Patent Examiner
Art Unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER